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May 31, 2005

Honorable Donald H. Rumsfeld
Secretary of Defense
The Pentagon
1000 Defense, Suite 3E-880
Washington, DC 20301-1000

Dear Secretary Rumsfeld:

I write with an urgent and important request that you respond to a report in the *London Times* on Sunday, May 29, indicating that British and U.S. aircraft increased their rates of bombing in 2002 in order to provoke an excuse for war in Iraq. Much of this information is provided by the British Ministry of Defense in response to questions posed by Liberal Democrat Sir Menzies Campbell.

As you may know, on May 6, I wrote to President Bush, along with 88 of my colleagues in the House of Representatives, asking him to respond to allegations first revealed in the *London Times* on May 1, that the U.S. and British government had a secret plan to invade Iraq by the summer of 2002, well before the Bush Administration requested authorization for military action, from the U.S. Congress. A response is still pending on that request.

The allegations and factual assertions made in the May 29 *London Times* are in many respects just as serious as those made in the earlier article. They include the following:

- “The RAF and U.S. aircraft doubled the rate at which they were dropping bombs in 2002 The attacks were intensified from May By the end of August the raids had become a full air offensive.” Then British Defense Secretary Geoff Hoon reportedly told a British Cabinet Meeting in July, 2002, that by this time “the U.S. had already begun ‘spikes of activity’ to put pressure on the regime.” The newly released information also appears to show that “the allies dropped twice as many bombs on Iraq in the second half of 2002 as they did during the whole of 2001.”
- According to the article, this increase in the rate of bombing was “an attempt to provoke Saddam Hussein into giving the allies an excuse for war.” As I am sure you are aware,

allied commander Tommy Franks has previously acknowledged the existence of increased military operations which he asserted were needed "to 'degrade' Iraqi air defenses in the same way as the air attacks that began the 1991 Gulf War."

- The new information goes on to indicate that our military decided "on August 5, 2005, for a 'hybrid plan' in which a continuous air offensive and special forces would begin while the main ground force built up in Kuwait for a full-scale invasion." According to the article, "despite the lack of an Iraqi reaction, the air war began anyway in September with a 100-plane raid."

If true, these assertions indicate that not only had the Administration secretly and perhaps illegally agreed to go to war by the summer of 2002, but it also took specific and tangible military actions before asking Congress or the United Nations for authority, and absent an actual or imminent threat.

Thus, while there is considerable doubt as to whether the U.S. had authority to invade Iraq, given, among other things, the failure of the U.N. to issue a follow-up resolution to the November 8, 2002, Resolution 1441, it would seem that the act of engaging in military action via stepped up bombing raids that were not in response to an actual or imminent threat before our government asked for military authority would be even more problematic from a legal as well as a moral perspective.

As a result of these new disclosures, I would ask that you respond as promptly as possible to the following questions:

- 1) Did the RAF and the United States military increase the rate that they were dropping bombs in Iraq in 2002? If so, what was the extent and timing of the increase?
- 2) What was the justification for any such increase in the rate of bombing in Iraq at this time? Was this justification reviewed by legal authorities in the U.S.?
- 3) To the best of your knowledge, was there any agreement with any representative of the British government to engage in military action in Iraq before authority was sought from the Congress or the U.N.? If so, what was the nature of the agreement?

In connection with all of the above questions, please provide me with any memorandum, notes, minutes, documents, phone and other records, e-mails, computer files (including back-up records) or other material of any kind or nature concerning or relating thereto which are in the possession of or accessible by the Department of Defense.

The Honorable Donald H. Rumsfeld

Page 3

May 31, 2005

I would encourage you to provide responses to these questions as promptly as possible, as they raise extremely grave and serious questions involving the credibility of our Administration and its constitutional responsibilities. In the interest of time, please feel free to forward me partial responses as they become available.

Sincerely,

A handwritten signature in black ink, reading "John Conyers, Jr." in a cursive script.

John Conyers, Jr.
Ranking Member

cc F. James Sensenbrenner, Jr.